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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,408	12/15/2003	Edward Alan Clark	LUC-444/Clark 12-11	3955
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Carmen Patti Law Group , LLC ONE N. LASALLE STREET 44TH FLOOR CHICAGO, IL 60602			EXAMINER AL AUBAIDI, RASHA S	
			ART UNIT 2614	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/736,408	<b>Applicant(s)</b> CLARK ET AL.	
	<b>Examiner</b> RASHA S. AL AUBAIDI	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-8 and 10-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-8, 10-23 and 24-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This in response to amendment filed 03/09/2009. Claim 30 has been added. No further claims have been canceled. No further claims have been amended. Claims 1, 3-8, 10-23 and 25-30 are still pending in this application.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 3-8, 10-23 and 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pelletier (US PAT # 6,608,891) in view of Glitho et al. (US PAT 6,625,141).

Regarding claim 1, Pelletier teaches a service control component (reads on SCP 18, Fig. 4) that provides to one or more telephony devices (see phones 15 and 13 on Fig. 4) of a plurality of telephony devices on a call, one or more services associated with one or more numbers associated with the one or more telephony devices on the call through employment of one or more data streams associated with the call (this basically reads on the SCP 18 providing service such as announcements and message delivery to customers/callers, see abstract); and one or more application server components which corporate with the service control component (this reads on the server located in the central office which is not shown in Fig. 4, sending additional information to the SCP 18 when needed, see col. 7, lines 19-21) through employment of one or more data streams (the use of data streams can reads on “ the received message data” see col. 7, lines 23-24) between the service control component and the one or more application server components to provide the one or more services (see col. 7, lines 24-27).

Pelletier does not specifically teach the use of “a Session initiation protocol”.

However, Glitho teaches a system and method for providing services in an integrated telecommunications network using a session initiation protocol (SIP) (see abstract). In Glitho SIP messages as provided herein advantageously to allow the use of SIP as a protocol for communication between SIP entities and IN-based SCPs (see col. 7, lines 15-29 and col. 9, lines 42-51). Note that even though Pelletier teaches the

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use of AIN, however, Pelletier stated that obviously many modification and variations of the present invention are possible in light of the above teachings (see col. 10. lines 13-17). This obviously means that Pelletier teachings are applicable in a different environment and networks that are compatible with the use of SIP protocol.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of an old and notorious protocol such the one taught by Glitho, into the Pelletier in order to enhance the systems performance of processing and providing services to users. Advantages of using an old and an existing protocol such as the "SIP" are old and well known in the art.

Claims 16, 23 and 27-30 are rejected for the same reasons as discussed above with respect to claims 1-2.

Claims 3-4, 17-19, 22 and 25 basically reads on identifying the customer calling number and analyzing the entered data streams and based on that providing the required services.

Claim 5 recites "the one or more services comprise one or more routing services, wherein the service control component employs the information to evaluate the one or more routing services; wherein the service control component communicates with a switch component to route the call based on the one or more routing services". See Fig.

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8 and col. 3, lines 52-67.

For claims 6-8, see Fig. 8 and col. 3, lines 52-67.

Claim 10 recites “one or more identifiers comprise one or more addresses associated with one or more of the one or more application server components; wherein the service control component and the one or more of the one or more application server components employ the one or more identifiers to establish the one or more data streams”. See for example Figs. 5-7.

Claims 11-14 are rejected for the same reasons as discussed above with respect to claim 10.

The limitation of claim 15 basically reads on the use on an Internet. See for example the use of an email in col. 4, lines 46-48.

Claim 20 recites “the service control component and the one or more of the one or more switch components employ one or more Transactional Capabilities Application Part (TCAP) queries to associate the identifier with the call”. The use of a TCAP messages in an AIN environment is inherent.

Claim 21 is rejected for the same reasons as discussed above with respect to claim 20.

Claim 26 is rejected for the same reasons as discussed above with respect to claims 1-2, 3-4, 17-19, 22 and 25, respectively.

### ***Response to Arguments***

3. Applicant's arguments have been fully considered but they are not persuasive.

Applicant argues that "Pelletier is missing the 'one or more application server components which cooperate with the service control components through employment of a session initiation protocol". However, the Examiner respectfully disagrees with Applicant's argument since the Examiner as stated in the above and previous rejection Pelletier already teaches the "one or more application server components which cooperate with the service control component" which reads on the server located in the central office which is not shown in Fig. 4, sending additional information to the SCP 18 when needed (see col. 7, lines 19-21 of Pelletier). What Pelletier does not clearly teach is the use of Session initiation protocol as recited in the claim's language.

Applicant also argues that (Pages12-13 of the Remarks) that "In fact, Glitho teaches away from the proposed combination because Glitho discloses that the two protocols, SIP and intelligent network (i.e., SS7), follow different approaches and cannot be easily combined harmoniously". Regarding this argument the Examiner would like to

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bring to Applicant's attention that in this 35 U.S.C 103(a) rejection Pelletier clearly states that "obviously many modification and variations of the present invention are possible in light of the above teachings" (see col. 10. lines 13-17). This clearly can be interpreted to utilizing different environments and networks that can be compatible with the use of SIP protocol. The teachings of Pelletier are not limited to the use of AIN and certainly these teachings can be modified to fit different networks and environments.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571)



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272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Rasha S AL-Aubaidi/

Primary Examiner, Art Unit 2614